IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.6990 OF 2006

Manish Pratap Bane .... Petitioner
Vs.
The Ajra Urban Co.op. Bank Ltd. & Ors. .... Respondents

Smt. B.P. Jakhade for the Petitioner.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: OCTOBER 19, 2006

P.C:

Heard. The petitioner seeks to challenge the order directing issuance of recovery certificate under Section 101 of the Maharashtra Co-operative Societies Act, 1960 on 2-2-2005 in Application No.738 of 2002. Apart from the fact that there is no explanation for the delay in approaching the Court from the date of passing of the said order for issuance of the said certificate, the ground on which it is sought to be challenged is that certain amount which was deposited by the petitioner in the years 2001 and 2003 have not been taken into consideration. Undisputedly, the certificate has been issued on the basis of the final result of the adjudication regarding the dispute pertaining to the liability of the petitioner. The liability having been ascertained on the basis of the result of the adjudication of the dispute in that regard and the point

regarding the partial discharge of such liability has been considered in the said adjudication, question of reconsideration of such issue at the time of issuance of the certificate does not arise. As the impugned certificate is not sought to be challenged on any other ground, this petition is liable to be dismissed. There being no case made out for interference in the impugned certificate apart from the fact that there has been unexplained delay in approaching the Court. The petition is accordingly dismissed.

(R.M.S. Khandeparkar, J.)

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